

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

CHARLES E. WALKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:21-cv-00684-MHH-JHE
	)	
STEVE THOMPkins, et al.,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

Plaintiff Charles E. Walker has filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States. (Doc. 1). In accordance with the usual practices of this court and 28 U.S.C. § 636(b)(1), the complaint is before the undersigned for a preliminary report and recommendation. *See McCarthy v. Bronson*, 500 U.S. 136 (1991). As explained below, the undersigned recommends the court dismiss this action pursuant to Federal Rule of Civil Procedure Rule 41(b) based on Walker's failure to prosecute his claims.

**I. Analysis**

On January 19, 2022, the undersigned entered an order notifying Walker that his complaint was deficient and ordering him to file an amended complaint within 21 days. (Doc. 12 at 1–2). The undersigned warned Walker that failure to comply with the order within 21 days may result in dismissal of this action. (*Id.* at 2).

More than 21 days have elapsed, and Walker has failed to comply with or otherwise respond to the order. Accordingly, the court should dismiss this action based on Walker's failure to prosecute his claims. FED. R. CIV. P. 41(b).

## **II. Recommendation**

Based on the foregoing, the undersigned **RECOMMENDS** the court **DISMISS** this action **WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) based on Walker's failure to prosecute his claims.

## **III. Notice of Right to Object**

The plaintiff may file specific written objections to this report and recommendation. The plaintiff must file any objections with the Clerk of Court within 14 calendar days from the date the report and recommendation is entered. Objections should specifically identify all findings of fact and recommendations to which objection is made and the specific basis for objecting. Objections also should specifically identify all claims contained in the complaint that the report and recommendation fails to address. Objections should not contain new allegations, present additional evidence, or repeat legal arguments.

Failing to object to factual and legal conclusions contained in the magistrate judge's findings or recommendations waives the right to challenge on appeal those same conclusions adopted in the district court's order. In the absence of a proper objection, however, the court may review on appeal for plain error the unobjected to factual and legal conclusions if necessary in the interests of justice. 11th Cir. R. 3-1.

On receipt of objections, a United States District Judge will review *de novo* those portions of the report and recommendation to which specific objection is made and may accept, reject, or modify in whole or in part, the undersigned's findings of fact and recommendations. The district judge also may refer this action back to the undersigned with instructions for further proceedings.

The plaintiff may not appeal the magistrate judge's report and recommendation directly to the United States Court of Appeals for the Eleventh Circuit. The plaintiff may only appeal from a final judgment entered by a district judge.

DONE this 17th day of February, 2022.

A handwritten signature in black ink, appearing to read 'J H England, III', written over a horizontal line.

**JOHN H. ENGLAND, III**  
UNITED STATES MAGISTRATE JUDGE